

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MIRIAM ABER,

Docket No. 09-CV-0490(ILG/RLM)

Plaintiff,

-against-

STIPULATION OF DISMISSAL

AMERICAN SECURITY INSURANCE
COMPANY,

Defendant.

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AMERICAN SECURITY INSURANCE
COMPANY,

Third-Party Plaintiff,

vs.

NUCHEM ABER

Third-Party Defendant.

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R E C I T A L S:

WHEREAS, on November 3, 2008, MIRIAM ABER ("plaintiff") commenced an action in the Supreme Court of the State of New York, County of Kings against the AMERICAN SECURITY INSURANCE COMPANY ("defendant") seeking recovery for damages sustained to premises located at 1037 42nd Street, Brooklyn, New York as the result of a fire that occurred on November 6, 2006;

WHEREAS, on February 6, 2009, defendant filed its Notice of Removal, removing this matter to the United States District Court for the Eastern District of New York;

WHEREAS, on February 11, 2009, defendant filed its Answer to the Complaint;

WHEREAS, on July 1, 2009, defendant filed a Third-Party Action against Third-Party Defendant NUCHEM ABER ("third-party defendant").

WHEREAS, defendant is a foreign corporation, organized and existing under and by virtue of the laws of the State of Delaware, with its principal place of business located in the State of Georgia, and was licensed and authorized by the Superintendent of Insurance to issue policies of insurance in the State of New York, including the policy issued to plaintiff;

WHEREAS, on July 23, 2010, the plaintiff and defendant, pursuant to the terms of a Settlement and Release Agreement, and in open Court, entered into a settlement of the claims asserted by the plaintiff against the defendant in this action.

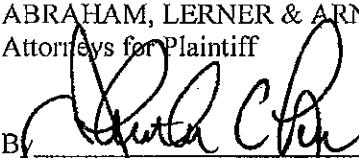
WHEREAS, on August 11, 2010, the third-party defendant executed the Settlement and Release Agreement.

NOW, THEREFORE, in consideration of the above stated premises, **IT IS HEREBY STIPULATED, CONSENTED TO AND AGREED BY THE UNDERSIGNED PARTIES** as follows:

A. The above-captioned action shall be dismissed, with prejudice, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

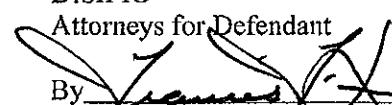
Dated: New York, New York
August 18, 2010

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Attorneys for Plaintiff


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Third-Party Defendant

Nuchem Aber
Nuchem Aber

SO ORDERED

Magistrate Judge Roanne L. Mann